

REMARKS

Claims 1-51 are currently pending. By way of the above amendments, claims 1, 3, 7, 20, 24, 26, 30, 34 and 39 have been amended. Favorable reconsideration is respectfully requested.

Claim 1 has been amended to include features recited in claim 3, and which are similarly recited in claims 7 and 20. Claim 24 has been amended to include features recited in claim 26, and which are similarly recited in claims 30 and 34. Hence, the features from the dependent claims incorporated into the independent claims have been deleted from the dependent claims. Claim 39 has been amended to correct a minor typographical error.

The Office Action, at page 2, includes statements alleging that the listing of references in the specification are not a proper information disclosure statement. However, each of the documents referred to in the specification, namely U.S. Patent No. 5,570,025, Japanese publication JP-11-183532 and UK Patent Application No. 0014840.3 (corresponding to GB 2363532 A), all have been listed in information disclosure statements filed with the USPTO. Moreover, these documents have been considered by the Examiner, as indicated on the initialed PTO-948 forms attached to the Office Action. The Examiner's attention is respectfully directed to these initialed citations.

The Office Action also asserts that it is unclear whether the reference to UK Patent Application No. 0014840.3 in the specification, at page 9, was intended to incorporate by reference disclosure from this document. However, the description in page 9 of threshold values does not explicitly incorporate "essential material" from the UK patent application. That is, Applicants respectfully submit that the subject matter on page 9 of the specification is sufficiently described such that one of ordinary skill in the art would understand how to set a threshold for any or all measured parameters without needing to refer to the specific disclosure in the UK application. Applicants therefore request the Examiner to rescind the requirement to amend the disclosure, as set forth in Section 3 of the Office Action.

The Office Action objected to claim 39 for containing a minor informality. Applicants have amended claim 39 to address the concerns expressed in the Office Action.

The Office Action also objected to the language of claims 38 and 46-49: “of the or each parameter,” and required correction. Applicants respectfully submit, however, that this language does not constitute an informality, as alleged by the Examiner. This phrase, in one instance, means “the parameter” for those embodiments having only one output parameter stored in the register, and in another instance, means “each parameter” for those embodiments having more than one output parameter stored in the register. Applicants respectfully submit that the language in claims 38 and 46-49 is proper diction. Accordingly, it is requested that the objection to claims 38 and 46-49 be withdrawn.

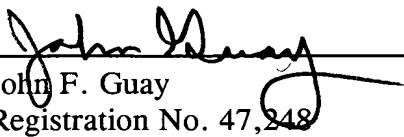
The Office Action includes a rejection of claims 1, 24, 38 and 46 under 35 U.S.C. § 102(e), as being anticipated by Downs et al., and a rejection of claims 2 and 25 under 35 U.S.C. § 103 as being unpatentable over Downs et al. in view of Nolan et al. However, Section 15 of the Office Action indicates that claims 3-23, 26-37, 39-45 and 47-51 would be allowable if rewritten in independent form so as to include all the features of the base and any intervening claim. Applicants note with appreciation this indication of allowable subject matter.

With apparent reference to dependent claims 3, 7, 20, 26, 30 and 34, the Office Action states that the applied Nolan et al. and Downs et al. patents do not disclose or suggest the claimed combination including “digital signal stream, corresponding to successive measured values” (See the Office Action, page 8, Section 15, lines 4-7.) Based on this indication of allowability, Applicants amended independent claim 1 to include these features from dependent claim 3 (and similarly recited in dependent claims 7 and 20). Independent claim 24 has been amended to include similarly recited features from dependent claim 26 (and similarly from dependent claims 30 and 34). It is respectfully submitted that inclusion of the remaining features recited in the dependent claims (i.e., features concerning a battery and a particular type of parameter being monitored) would not be necessary to be patentably distinguish independent claims 1 and 24 from the proposed combination of Downs et al. and Nolan et al.

For the above reasons, it is respectfully submitted that the pending claims are patentable. Reconsideration and immediate allowance is earnestly solicited.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: 
John F. Guay
Registration No. 47,248

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

Date: December 5, 2003